

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____ 8/11/2025

**CERTIFIED INTERIORS, INC., on behalf of itself
and as a representative for all others who may be
deemed beneficiaries of a certain trust created
pursuant to Lien Law Article 3-A,**

Plaintiff,

24-CV-04298 (DEH)(SN)

-against-

**SCHEDULING ORDER
FOR DAMAGES INQUEST**

**CALDWELL & WALSH BUILDING
CONSTRUCTION INC., MICHAEL FERRONE
and FRANK MORACE,**

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

On April 25, 2025, the Honorable Dale E. Ho referred this case to my docket to conduct an inquest and to report and recommend concerning Plaintiff's damages. The Court stayed the damages inquest as to Defendants Caldwell & Walsh and Ferrone to allow the claims against appearing Defendant Morace to resolve. ECF No. 67. Defendant Morace has been dismissed from the case. ECF No. 73. The stay is lifted, and it is now ORDERED that:

1. No later than 30 days after entry of this Order, Plaintiff shall file Proposed Findings of Fact and Conclusions of Law describing all claimed damages and any other monetary relief. Plaintiff should file this document, along with any accompanying exhibits and affidavits, to ECF under "Civil Events/Other Filings/Trial Documents." Plaintiff shall serve a complete copy of his filing and a copy of this Order by mail to Defendants' last known address and file a certificate of service with the Court.

2. Plaintiff shall support its Findings of Fact and Conclusions of Law with

affidavits and other documentary evidence. Each proposed finding of fact shall cite the evidence provided.

3. Defendants shall file a response, if any, no later than 30 days after service.

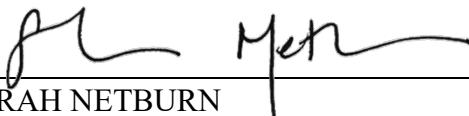
Defendants shall respond to each Finding of Fact and Conclusion of Law asserted by Plaintiff.

Defendants may also submit Counter Findings of Fact and Conclusions of Law. Defendants shall support each finding of fact (in both their response to Plaintiff's filing, as well as their own Counter-Statement) with affidavits or other documentary evidence. Each proposed finding of fact shall cite the evidence provided.

4. The Court hereby notifies the parties that it may conduct this inquest based solely upon the written submissions of the parties. See Action S.A. v. Marc Rich & Co., 951 F.2d 504, 508 (2d Cir. 1991); Fustok v. ContiCommodity Servs. Inc., 873 F.2d 38, 40 (2d Cir. 1989). Any party seeking an evidentiary hearing on damages must set forth reasons why the inquest should not be based upon the written submissions alone and include a description of what witnesses would be called to testify and the nature of the evidence that would be submitted.

5. A courtesy copy of any document filed with the Court shall be sent or delivered to the Court as required by the Individual Practices of Judge Netburn, paragraph III(C).

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: August 11, 2025
New York, New York